

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:07-CV-407**

MICHAEL L. CARVER; DONALD)
COOK; BRANDON FISHER; JAMES)
MATTHEW LEVI; ERIC MARX; TED)
EDWARD RICE; JAYSON)
ALEXANDER RICHARDSON, and)
ANGELA SURRATT,)

on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

CONSENT ORDER

VELOCITY EXPRESS)
CORPORATION; VELOCITY)
EXPRESS, INC; VELOCITY)
EXPRESS SOUTHEAST, INC.;)
VELOCITY EXPRESS LEASING,)
INC.; VELOCITY EXPRESS)
LEASING SOUTHEAST, INC.;)
VELOCITY EXPRESS MID-)
ATLANTIC, INC.; and JOHN DOE)
VELOCITY EXPRESS PLAN)
ADMINISTRATOR,)

Defendants.)

THIS MATTER comes before the Court on Plaintiffs' and Defendants' Joint Motion for Stay and to Equitably Toll the Statute of Limitations. With consent of both parties and for good cause shown, the motion is hereby **GRANTED**. The Court therefore orders that:

1) All deadlines and activity in this action are hereby stayed pending resolution of Defendants' Motion to Transfer for Coordinated or Consolidated Pre-Trial Proceedings by the Judicial Panel for Multidistrict Litigation, and if the case remains with this Court, this Court will revisit and establish new deadlines as appropriate;

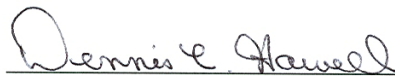
2) The statute of limitations for claims arising from the Fair Labor Standards Act for all prospective members of Plaintiffs' proposed collective action under § 216(b) of that act shall be equitably tolled as of November 14, 2008, extending back two years from that date or three years from that date should there later be a determination of a willful violation of the Fair Labor Standards Act;

3) Should the Judicial Panel for Multidistrict Litigation order the transfer of this case after November 14, 2008, the equitable tolling described

above will not be binding and it shall be for the transferee court to determine whether such tolling ought to continue.

IT IS SO ORDERED.

Signed: July 9, 2008



Dennis L. Howell
United States Magistrate Judge



Consented to on behalf of Plaintiffs by:

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